

Special and Regular City Council Meeting of September 14, 2004
Twin Pines Senior and Community Center

SPECIAL MEETINGS

CLOSED SESSION - 6:45 P.M.

- A. Public Employee Performance Evaluation, per Government Code Section 54957: Interim City Manager Rich
- B. Conference with Legal Counsel - Anticipated Litigation per Government Code Section 54956.9(b), One Case

Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, Assistant City Manager Rich (Item A only), City Attorney Savaree. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:25 P.M., Item B on this Closed Session was adjourned; Item A was adjourned to the end of the meeting.

This meeting not tape-recorded or videotaped.

Terri Cook

City Clerk

CALL TO ORDER 8:45 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Bauer, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

REPORT FROM CLOSED SESSION

Mayor Metropulos announced that Item A (Public Employee Performance Evaluation) from the Closed Session held earlier in the evening would be continued at the end of tonight's meeting. He also announced that by a unanimous vote of 5-0, a Settlement Agreement with former City Manager Kersnar was approved. He noted that the Agreement would be on file in the City Clerk's Office.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Alan Sarver, El Verano Way, encouraged voters to approve Measure G on the November ballot. He noted that this \$96 parcel tax for the Belmont-Redwood Shores School District would be used to hire teachers and restore programs that had eliminated. He added that the tax provides for a senior citizen exemption. He requested City Council endorsement of this ballot measure.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Feierbach requested that Adjournment of tonight's meeting be in memory of Michael Fields, the Belmont resident who was shot and killed on Interstate 280 recently. She stated that a \$150,000 reward had been posted for information regarding this incident.

Councilmember Warden noted that the Belmont Answer Book, mailed to residents in 2002, had been updated via the electronic version on the City's website. Mayor Metropulos noted that this publication was a good resource.

Mayor Metropulos announced that there would be a Coastal Cleanup/Belmont Creek Cleanup on September 18. He noted that the City would be exchanging mercury thermometers for digital thermometers during the week of September 20-24. He announced the Art and Wine Festival would be held the weekend of September 18 and 19.

Mayor Metropulos stated that several months ago he had announced that two middle-school students were creating a Website to highlight good news. He noted that the Website was now up and running, and could be found at "positivelygoodnews.com". He congratulated the young women for their initiative.

CONSENT CALENDAR

Mayor Metropulos announced that at the request of a member of the public, Consent Calendar Item **4-F**(Resolution Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for Bus Routes Rehabilitation - Various Streets Phase II, O'Grady Paving Inc., City Contract Number 451) would be considered separately.

Councilmember Feierbach requested the removal of **Item 4-I** (Resolution Authorizing Extended Construction Hours for the Nikon Precision, Inc. Building Expansion Project at 1399 Shoreway Road) for separate consideration.

Councilmember Mathewson requested the removal of **Item 4-K** (Resolution Granting a Hauling Permit to Peak Engineering, on Behalf of the City of Belmont, for the Removal of Material from 1110 Alameda de las Pulgas (Main Library) in Vehicles Exceeding the Maximum 8-Ton (16,000 pounds) Gross Weight on Ralston Avenue and Alameda de las Pulgas, South of Ralston Avenue) for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes: Special and Regular Meeting July 27, 2004; Special and Regular Meeting August 10, 2004.

Acceptance of Written Communications: 1) PUC Notice of filing of Application for Energy Recovery bonds Financing, dated August 3, 2004; 2) Received August 23, 2004 from the US Bankruptcy Court for the District of Delaware, in Re AB Dick Company, Notice of Continued 341 Meeting; 3) PUC Notice of Changes in Proposed Gas Rates, dated August 27, 2004.

Approval of Ordinance 1001 Revising Sections 12.4 and 12.9 of the Belmont Zoning Code, amending the required findings for approval of Detailed Development Plans and Amendments thereto (2nd reading and adoption).

Approval of Resolution 9576 Authorizing the Belmont Police Department to enter into a contract with SBC Communications Inc., for installation and maintenance of a Vesta 9-1-1 system in the new Police Department facility.

Approval of Resolution 9577 Appointing Mike Loo to the Finance Commission for a Three-Year Term ending March 1, 2007.

Approval of Resolution 9578 Approving the Summary Vacation of a Portion of Green Court Fronting Lot 115 and a Portion of Lot 116 in Block 122 of Belmont County Club Subdivision No. 10 (APN 043-072-740) Property East of 51 Ralston Ranch Road

Approval of Resolution 9579 Rejecting All Bids for the Sanitary Sewer Rehabilitation Ralston Avenue Pipe Bursting and Pipelining, City Contract Number 462

Motion to support two Resolutions to be considered by the League of California Cities Delegate at Annual Meeting (1: Resolution Amending Bylaws of the League of California Cities; 2: Resolution Relating to Encouraging Healthier Lifestyles for Children, Adults and Seniors in Cities Throughout California).

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, the Consent Calendar, as modified, was unanimously approved by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for Bus Routes Rehabilitation - Various Streets Phase II, O'Grady Paving Inc., City Contract Number 451

Jacki Horton, Chula Vista Drive, stated that the slurry seal had not been completed, and the gap of pavement between the seal on Ralston Avenue and the work on Chula Vista still existed. She noted that she had been advised that the crosswalk markings would not be removed.

Public Works Director Davis stated that these items were on the “punch” list and would be completed before final payment was made. He clarified that the remainder of the crosswalk would be allowed to fade on its own, because if sand-blasted, it would leave a permanent mark. He noted that City staff would be performing the work to fill in the missing gap of slurry seal between the two streets.

ACTION: On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, Resolution 9580 Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for Bus Routes Rehabilitation - Various Streets Phase II, O'Grady Paving Inc., City Contract Number 451, was unanimously approved by a show of hands.

Resolution Authorizing Extended Construction Hours for the Nikon Precision, Inc. Building Expansion Project at 1399 Shoreway Road.

Councilmember Feierbach stated that, due to the proximity of this project to nearby hotels, she could not support approval of a 5:00 a.m. starting time for pile driving.

Interim City Manager Rich clarified that the work to be performed under this exception was concrete work only, and that the contractor was requesting this extension of time since twelve continuous hours were needed to complete the work. Principal Planner de Melo added that the scope of work also included the erection of steel. He noted that the total amount of time involved in this request was five days.

Jerry Steinberg, on behalf of Nikon Precision, Inc., stated that the contractor would notify the surrounding businesses, including hotels, and noted that this work was not as noisy as the nearby freeway. He stated that an 80-foot truss was required to complete this task, and an earlier starting time would provide less impact on nearby businesses and the freeway.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, Resolution 9581 Authorizing Extended Construction Hours for the Nikon Precision, Inc. Building Expansion Project at 1399 Shoreway Road, was unanimously approved by a show of hands.

Resolution Granting a Hauling Permit to Peak Engineering, on Behalf of the City of Belmont, for the Removal of Material from 1110 Alameda de las Pulgas (Main Library) in Vehicles Exceeding the Maximum 8-Ton (16,000 pounds) Gross Weight on Ralston Avenue and Alameda de las Pulgas, South of Ralston Avenue.

Councilmember Mathewson expressed his concern regarding pavement damage from the large trucks, and requested followup to ensure repair. He also requested that the applicant be informed of appropriate regulations.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, Resolution 9582 Granting a Hauling Permit to Peak Engineering, on Behalf of the City of Belmont, for the Removal of Material from 1110 Alameda de las Pulgas (Main Library) in Vehicles Exceeding the Maximum 8-Ton (16,000 pounds) Gross Weight on Ralston Avenue and Alameda de las Pulgas, South of Ralston Avenue, was unanimously approved by a show of hands.

OLD BUSINESS

Resolution Amending the Compensation Plan Regarding the Economic Development Manager Position and Eliminating the Economic Development Coordinator Position.

Interim City Manager Rich stated that the recruitment process would soon be under way for an Economic Development Manager. He noted that the current salary is insufficient and recommended the top step be set at \$8,064, which is still below the median, but competitive in the industry. He explained that the former Economic Development Coordinator job description had been updated to reflect the attributes desired for this new position, and the salary would be paid from the Redevelopment Agency fund.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, Resolution 9583 Amending the Compensation Plan Regarding the Economic Development Manager Position and Eliminating the Economic Development Coordinator Position was unanimously approved by a show of hands.

NEW BUSINESS

Study of restricted parking on Ralston Avenue during special community events

Police Sergeant Halleran stated that this parking issue was targeted for the Art and Wine Festival. He noted that parking on Ralston was permitted during the early years of the Festival, but that incidents over the years, including accidents, resulted in the addition of parking

restrictions. He stated that there is a concern for pedestrian and bicycle safety. He noted that some parking will now be permitted in the east-bound lane of Ralston, providing 14 parking spaces, and that Notre Dame de Namur University would make two parking lots adjacent to the Ralston Avenue entrance available for parking, for an additional 84 spaces. He also noted that the portable lighted signboard would direct drivers to the Cal Train parking lot.

In response to Council questions, Sergeant Halloran clarified that the City cannot prohibit bicycles from using the roadway, and there are no resources available for shuttles from the parking lots at Cal Train or the University. Interim City Manager Rich noted that none of these lots is far from the Festival.

Mayor Metropulos thanked the University for allowing its campus to be used for Festival parking. He noted that he is opposed to any parking on Ralston for safety reasons.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Bauer, the Study of Restricted Parking on Ralston Avenue During Special Community Events report was accepted by a show of hands (4-1, Metropulos no).

Discussion and Direction Regarding Sex Offender Information

City Attorney Savaree stated that the general location of high-risk and serious sex offenders may be posted on the Website. She noted that pending legislation could allow additional information such as home address, and those convicted of violent acts against children.

Councilmember Warden stated that offenders' photos were available through other cities' Websites. He noted that he would support the designation of approximate location of offenders' residences on Belmont's Website as a tool for parents for making choices for their children.

In response to Mayor Metropulos, Police Chief Mattei clarified that convicted sex offenders are required to register with local law enforcement.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Bauer, and unanimously approved by a show of hands to direct the Police Department to post information permitted by Penal Code Section 290.45 for serious and high-risk sex offenders.

Interim City Manager Rich stated that this information could be incorporated into the City's Website redesign, scheduled to be released later in the month.

Discussion and Direction Regarding Selection of Executive Search firm for City Manager Position, and Resolution Authorizing the Transfer and Use of Contingency Funds

Human Resources Director Dolan stated that six firms responded to the recent Request for Proposal to provide an executive search for a new city manager, at amounts ranging from \$19,000 to \$26,000. She noted that there were a number of options available on how to proceed with this process, and added that funds would need to be transferred from the Contingency Fund to cover the cost.

In response to Councilmember Warden, Human Resources Director Dolan stated that there are pros and cons to performing this search internally. She noted that an internal search at the city manager level is unusual, since the manager supervises staff members who would be involved in the search. She noted that search firms have access to recruitment tools not available to staff, and that firms provide confidentiality to candidates, are neutral, and provide an air of professionalism.

Councilmember Warden stated that he recognized this was a specialty position, and that the labor market is tight. He noted that the City of Pacifica hired its city manager internally. He asked if there would be an adjustment in cost if an internal candidate were to be hired. Human Resources Director Dolan responded that some of the firms provided a breakdown of costs, and this information could be requested of other firms, if desired. She noted that Council could interview the search firms with no commitment to hiring any of them.

Councilmember Feierbach stated that Pacifica's interview process consisted of a subcommittee of the City Council. She supported interviewing the search firms.

Discussion ensued, and Council concurred that the interviews should include the entire Council.

ACTION: On a motion by Councilmember Bauer, seconded by Councilmember Warden, and unanimously approved by a show of hands to direct the Human Resources Director to recommend three firms to interview, and that the full Council will conduct the interviews.

Setting the Biannual Council Priority Calendar (Step One – Public Input and General Direction)

Interim City Manager Rich reviewed the Priority Calendar process. He noted that there were a total of 16 projects to prioritize, ten carried over, and six new. He recommended eliminating items that were no longer of importance, and ranking the remaining projects.

Councilmember Warden stated that the Harbor Industrial Area (HIA) may want to place the annexation discussions on hold, which might free up time for staff to concentrate on the permit efficiency task force. Interim City Manager Rich clarified that the HIA consultant was performing most of the work, and there was little staff impact. He added that the HIA subcommittee was scheduled to meet the following week, and that the City had reaffirmed its policy to the HIA regarding the negotiations process.

Councilmember Feierbach stated that the noise ordinance was a priority.

Councilmember Mathewson recommended the addition of a column indicating hours expended and expected completion. Interim City Manager Rich stated that this could be accomplished for the next round.

Councilmember Warden proposed a two-step process for the future, and suggested that the public and Council advocacy step could be done together.

Councilmember Bauer stated that redefining building height and downtown issues were priorities.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and direction regarding display of national motto "In God We Trust" for City of Belmont (Warden).

Councilmember Warden stated that this issue arose from a request from the Mayor of Bakersfield. He clarified that it was not his intent to adopt "In God We Trust" as the City motto or to display the motto on the wall of the Council chambers. He commented that this national motto is patriotic, humbling, and honorable. He added that he was not forcing his personal belief in God on anyone, nor was he intending to be divisive.

Mary Ridge, Hiller Avenue, stated that when she was a nursing student she studied comparative religions. She believes that everyone is the same inside. She noted that other messages could be conveyed without being divisive. She supported having public discussion on this issue.

Frank Jonas, Holly Road, stated that personal beliefs are personal. He noted that there are many aspects of God, and that taxpayer money should not be used for this.

Councilmember Warden stated that he received a number of emails regarding this item. He clarified that he would recommend using private money only, and that he was being an advocate for the concept. He stated that there is tolerance through absence, and tolerance through presence. He noted that the words of the national motto are recited in the Pledge of Allegiance.

Councilmember Feierbach stated that she did not support a public display of this motto. She noted that trusting in God is a personal statement, and that different religions look to various identities for guidance. She noted that the Council Chambers would be used for events other than Council meetings.

Councilmember Bauer agreed with Councilmember Feierbach, and added that the Council should avoid confronting a potentially divisive issue. He added that although the motto was on money, it should not be displayed on the wall.

Councilmember Mathewson stated he was concerned about the divisiveness of this issue.

Mayor Metropulos stated that he respected the ability to bring this issue forward. He noted that it is hard to ignore a sign. He would debate the intent of the founding fathers with respect to this motto. He stated that if there was a desire to display a motto, "E Pluribus Unum" should be used instead.

Council concurred not to pursue this matter at this time.

ADJOURN to Continued Closed Session to consider:

- A. Public Employee Performance Evaluation, per Government Code Section 54957: Interim City Manager Rich.

Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, Assistant City Manager Rich, and City Attorney Savaree. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 10:40 P.M., in memory of Michael Fields.

Terri Cook

Belmont City Clerk

Meeting Tape Recorded and Videotaped

(Continued Closed Session not tape recorded or videotaped.)

Tape Number 590